

REMARKS

Please consider this paper as a petition for a two-month extension of time.
Please charge any required fees to have this Amendment and Information Disclosure Statement entered to our deposit account No. 500687.

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-10 are pending in the application. The claims have been amended to remove reference numbers to the Figs. Claim 1 has also been amended to clarify that the device is configured to conduct the recited steps. No claims have been amended to overcome prior art or to narrow the claim breadth. No new matter has been added. The full doctrine of equivalents applies to each claim element.

The rejection of claims 1-10 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,418,417 (Corby) in view of U.S. Patent No. 5,848,378 (Shelton) in further view of U.S. Patent Publication No. 2003/0195441 (Ginsberg) is respectfully traversed. Applicant respectfully submits that the Examiner has not provided a prima facie case of obviousness.

It is noted that the US class of the present invention is 463/40 and the primary US class of Corby cited by the Examiner is 705/35. US class 463/30 deals with art related to "Amusement devices: games". US class 705/35 deals with art related to "Data processing: financial, business practice, management, or cost/price determination<<https://www.delphion.com/patlist?xcl=705>>; automated electrical financial or business practice or management arrangement<<https://www.delphion.com/patlist?xcl=705001>>".

This means that the USPTO regards the present invention to belong to the art of amusement device/games and that Corby belongs to finance/economics. Thus the present invention and Corby belong to different arts.

The Examiner states on page 4 of the Office Action that "**it is well known in the art that trading stock options is a method of wagering on the success of a disclosed outcome**". However, the person having ordinary skill in the art of "amusement devices: games" does not have knowledge in the art of trading stock options since there is no immediate link between these two arts.

Corby is used as a starting point for reaching the present invention. Since Corby and the present invention belong to different arts, it is respectfully submitted that Corby, which deals with a system and method for valuating weather based financial instruments, does not offer a starting point in the mind of the person having ordinary skill in the art when attempting to arrive at the present invention, which deals with how to generate a game result based on at least one weather condition. More specifically, there is nothing that motivates the person having ordinary skill in the art of "Amusement devices: games" to look for suitable art in US class 705/35. In view of the present application, there is nothing that prompts the person having ordinary skill in the art of "amusement devices: games" to look in the art of finance/economics to arrive at a solution on how to generate a game result. The Examiner has provided no credible motivation to look to Corby.

Shelton teaches a computer based system for collecting and presenting real-time weather information and maintaining a local database of weather data. Again, Shelton also does not relate to games.

Ginsberg discloses a system for real-time interactive wagering on event outcomes using the internet.

Applicant respectfully submits that the Examiner improperly used the present specification as a blueprint to select unrelated elements from the prior art, without providing any credible motivation to combine the unrelated elements. Applicant is aware that the motivation need not come from the cite references. However, no credible motivation has been provided to modify a reference teaching a financial system for valuating weather futures (Corby) with a system for collecting weather data to maintain a local weather database (Shelton) and a system interactive wagering over the internet (Ginsberg) to arrive at the claimed invention.

Furthermore, the claimed invention solves the problem of removing the uncertainties in conventional games played on weather conditions. None of the cited references teaches or even addresses these problems.

Even if the references were combined, the claimed invention does is not obvious over the theoretical combination of references.

Corby teaches a system of valuating weather based derivatives. See column 1, lines 31-34 of Corby. The system involves specifying a start date and a maturity date for the financial instrument, selecting a geographic region, a weather

condition that the financial instrument will derive its value from is selected, a financial database is selected accessed to that a risk-free rate can be specified, a weather database is accessed to obtain historic weather information for the geographic region during the start date and maturity date, weather forecast data is accessed to obtain future weather information, a pricing model is applied to obtain a value for the weather-based financial instrument using the historical weather information, the future weather information, and the risk-free rate. See column 2, lines 61 to column 3, line 14.

Shelton teaches a system for collecting and presenting real-time weather information in a centralized-database and making the data available to different users. See column 3, lines 7-20.

Shelton cannot be combined with Corby since they teach in opposite directions. Corby relies upon a weather database of historical weather data and a database of forecast weather to value financial instruments and Shelton teaches using real-time weather information. Even if the references were combinable, the theoretical combination would only result in the real-time weather data from Shelton being used to update the forecast weather database or historical weather database in Corby. Thus, the combination of Shelton and Corby does not teach or suggest the claimed invention, which uses real-time weather information. Ginsberg does not supply the deficiencies of Shelton and Corby.

In view of the lack of a *prima facie* case of obviousness and the differences between the claimed invention the theoretical combination of references, withdrawal of the Section 103 rejection is respectfully requested.

Attached are PTO/SB/08A and B forms listing the enclosed documents. Please accept this Information Disclosure Statement under Rule 97(c) and charge the requisite petition fee to our Deposit Account No. 50-0687, and proceed to consider this Information Disclosure Statement.

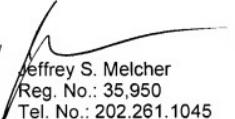
This information disclosure statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully. Consideration of the foregoing and enclosures plus the return of a copy of the herewith PTO/SB/08A and B forms

with the Examiner's initials in the left column per MPEP 609 along with an early action on the merits of this application are earnestly solicited.

In view of all of the rejections of record having been addressed, Applicant submits that the application is in condition for allowance and Notice to that effect is respectfully requested.

Respectfully submitted,
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